IN THE HIGH COURT OF JUDICATURE AT JABALPUR

WRIT PETITION NO. 3551 OF 1999

WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA

PETITIONERS : Bheemram Rathia, S/o Kundru Rathia, aged about 44 yrs., ~~r/o village~~ Occupation Agriculture, r/o village Raksapali, post office Mura, Tehsil Kharsia, district Raigarh (M.P.)

Vs.

RESPONDENTS :

1. State of Madhya Pradesh Through Collector, Raigarh.
2. Sub Divisional Officer, Revenue, Kharsia, district Raigarh (MP)
3. Tehsildar, Kharsia, distt. Raigarh (M.P.)
4. Chhabiram Naik, S/o Parmeshwar Naik, aged about 48 yrs., occupation cultivation and B.D.C. member (politician), r/o village Raksapali, p.o. Mura, P.S.&Tehsil Kharsia, district Raigarh (M.P.)

(50)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP No. 3551/99 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश |
|---|---|---|

**DB: Hon'ble Shri Justice P.C. Naik,**
**& Hon'ble Shri Justice Fakhruddin, JJ**

**04-02-2003**

Shri Prashant Mishra, counsel for the petitioner.

Shri Ranbir Singh, Govt. Adv. for the respondent No.1, 2 & 3.

None appears for respondent No.4.

This writ petition styled as 'Public Interest Litigation' was filed for taking action against the respondent No.4 who, according to the petitioner, has illegally encroached upon a land reserved for communal purposes i.e. play ground, school building & Gram Panchayat building.

Notice was issued on 09-08-1999. However, no return has been filed on behalf of respondents No.1, 2 & 3. Return however, has been filed on behalf of respondent No.4 stating that the petition is actuated by malice and in the garb of the public interest litigation by the person who himself is an encroacher. Be that as it may, since the matter is of the year 1999, the Court is of the opinion that in case any grievance subsists the parties, in the changed circumstances, may approach the competent Authority of the State Government who in such an event shall look into the matter and act

GI.PRJ—FS/78 — 9/2000 —50,000.

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** W.P- 3551/99. **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश |
|---|---|---|
| | in accordance with the law after giving due opportunity of hearing to all concerned parties.<br>With the above observations and directions, this writ petition stands disposed of.<br>Certified copy as per Rules.<br>**Sd/-**<br>**P.C. Naik**<br>**Judge** | **Sd/-**<br>**Fakhruddin**<br>**Judge** |
| Roshan | | |